

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
Greenbelt Division**

**VINCENT HARDICK,**

**Plaintiff,**

**v.**

**BYTEGRID MANAGEMENT SERVICES  
LLC and  
BYTEGRID HOLDINGS LLC,**

**Defendants.**

**Civil Action No. 1:19-cv-01160-CCB**

**DEFENDANTS' MOTION TO DISMISS FOR WANT OF PROSECUTION**

Defendants ByteGrid Management Services LLC (“BG Management”) and ByteGrid Holdings LLC (“BG Holdings”) (collectively “Defendants”), pursuant to Local Rule 103(8)(b), respectfully move to dismiss Vincent Hardick’s (“Plaintiff’s”) Complaint for want of prosecution. On October 2, 2019, this Court ordered that this case be stayed pending the outcome of arbitration per the Employment Agreement Plaintiff signed with BG Management, which contained a valid arbitration provision. However, to date, Plaintiff has not initiated arbitration proceedings, nor has he filed any document with the court in the past nine months. For these reasons, Defendants respectfully request that the Court dismiss the instant matter.

**ARGUMENT**

This matter should be dismissed, as Plaintiff has failed to prosecute his claim as required by this Court’s rules. Local Rule 103(8)(b) provides, “If no document has been filed in court in any action for more than nine (9) months, the Court may enter an order asking the parties to show cause why the case should not be dismissed. If good cause is not shown within fourteen

(14) days of the entry of the show cause order or such other time as may be set by the Court, the case shall be dismissed without prejudice.”

Here, this criteria is met, because no document has been filed in court in this action for more than nine months. In addition, Plaintiff has failed to initiate arbitration. Accordingly, for more than nine months, nothing has happened in this matter. Defendants should not have to wait indefinitely for Plaintiff to either initiate arbitration or voluntarily dismiss this case.

A court has inherent discretionary power to dismiss an action for want of prosecution. *Steyr-Daimler-Puch of Am. Corp. v. Pappas*, 852 F.2d 132, 134 (4th Cir. 1988). Here, Plaintiff’s failure to initiate his arbitration proceedings for over nine months shows a complete lack of interest in prosecuting this case. Because a dismissal of Plaintiff’s Complaint is warranted by Local Rule 103(8)(b), Defendants respectfully request that this matter be dismissed.

Dated: July 8, 2020

Respectfully submitted,

**JACKSON LEWIS P.C.**

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***Counsel For Defendants***

**CERTIFICATE OF SERVICE**

The undersigned does hereby certify that a copy of the foregoing *Motion to Dismiss for Want of Prosecution* was filed by using the Court's electronic filing system, which will serve an ECF notice upon the following:

Timothy F. Maloney, Esq.  
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